

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 4, 2009

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No. 08-30867  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

DONALD A ELFER, JR

Plaintiff - Appellant

v.

PETE GEREN, Secretary of the Army;  
UNITED STATES DEPARTMENT OF ARMY

Defendants - Appellees

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Appeal from the United States District Court  
for the Western District of Louisiana, Alexandria  
USDC 1:06-CV-249

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Before REAVLEY, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:\*

The judgment of the district court is affirmed for the reasons given by that court in its ruling of July 8, 2008. This court has now reviewed everything in this record and, contrary to the unsupported statements of counsel, we find no evidence that would raise an issue to support any claim of plaintiff for relief. No prima facie case of age or gender discrimination is made. No issue of causal

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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connection between defendant's employment action and his prior EEO complaint against the Army is shown. The defendant presented evidence to explain that plaintiff's failure of training and performance was the reason for denial of his position at Fort Polk. Plaintiff presented no evidence of pretext or discriminatory motivation.

AFFIRMED.